

AN ACT

relating to confidential information under the public information law and to procedures and deadlines under the public information law in relation to the redaction of certain confidential information by a governmental body.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

SECTION 1. Section 51.217, Education Code, is amended by adding Subsection (g) to read as follows:

(g) The personal information of an individual maintained in an institution's emergency notification system is confidential and is not subject to disclosure under Chapter 552, Government Code. In this subsection, "personal information" includes an e-mail address or telephone number maintained in order to notify an individual of an emergency.

SECTION 2. Section 552.022, Government Code, is amended to read as follows:

Sec. 552.022. CATEGORIES OF PUBLIC INFORMATION; EXAMPLES.

(a) Without limiting the amount or kind of information that is public information under this chapter, the following categories of information are public information and not excepted from required disclosure unless made confidential under this chapter or ~~[unless they are expressly confidential under]~~ other law:

(1) a completed report, audit, evaluation, or investigation made of, for, or by a governmental body, except as

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- 1 provided by Section 552.108;
- 2 (2) the name, sex, ethnicity, salary, title, and dates
- 3 of employment of each employee and officer of a governmental body;
- 4 (3) information in an account, voucher, or contract
- 5 relating to the receipt or expenditure of public or other funds by a
- 6 governmental body;
- 7 (4) the name of each official and the final record of
- 8 voting on all proceedings in a governmental body;
- 9 (5) all working papers, research material, and
- 10 information used to estimate the need for or expenditure of public
- 11 funds or taxes by a governmental body, on completion of the
- 12 estimate;
- 13 (6) the name, place of business, and the name of the
- 14 municipality to which local sales and use taxes are credited, if
- 15 any, for the named person, of a person reporting or paying sales and
- 16 use taxes under Chapter 151, Tax Code;
- 17 (7) a description of an agency's central and field
- 18 organizations, including:
- 19 (A) the established places at which the public
- 20 may obtain information, submit information or requests, or obtain
- 21 decisions;
- 22 (B) the employees from whom the public may obtain
- 23 information, submit information or requests, or obtain decisions;
- 24 (C) in the case of a uniformed service, the
- 25 members from whom the public may obtain information, submit
- 26 information or requests, or obtain decisions; and
- 27 (D) the methods by which the public may obtain

1 information, submit information or requests, or obtain decisions;

2 (8) a statement of the general course and method by
3 which an agency's functions are channeled and determined, including
4 the nature and requirements of all formal and informal policies and
5 procedures;

6 (9) a rule of procedure, a description of forms
7 available or the places at which forms may be obtained, and
8 instructions relating to the scope and content of all papers,
9 reports, or examinations;

10 (10) a substantive rule of general applicability
11 adopted or issued by an agency as authorized by law, and a statement
12 of general policy or interpretation of general applicability
13 formulated and adopted by an agency;

14 (11) each amendment, revision, or repeal of
15 information described by Subdivisions (7)-(10);

16 (12) final opinions, including concurring and
17 dissenting opinions, and orders issued in the adjudication of
18 cases;

19 (13) a policy statement or interpretation that has
20 been adopted or issued by an agency;

21 (14) administrative staff manuals and instructions to
22 staff that affect a member of the public;

23 (15) information regarded as open to the public under
24 an agency's policies;

25 (16) information that is in a bill for attorney's fees
26 and that is not privileged under the attorney-client privilege;

27 (17) information that is also contained in a public

1 court record; and

2 (18) a settlement agreement to which a governmental
3 body is a party.

4 (b) A court in this state may not order a governmental body
5 or an officer for public information to withhold from public
6 inspection any category of public information described by
7 Subsection (a) or to not produce the category of public information
8 for inspection or duplication, unless the category of information
9 is [~~expressly made~~] confidential under this chapter or other law.

10 SECTION 3. The heading to Section 552.102, Government Code,
11 is amended to read as follows:

12 Sec. 552.102. EXCEPTION: CONFIDENTIALITY OF CERTAIN
13 PERSONNEL INFORMATION.

14 SECTION 4. The heading to Section 552.109, Government Code,
15 is amended to read as follows:

16 Sec. 552.109. EXCEPTION: CONFIDENTIALITY OF CERTAIN
17 PRIVATE COMMUNICATIONS OF AN ELECTED OFFICE HOLDER.

18 SECTION 5. The heading to Section 552.110, Government Code,
19 is amended to read as follows:

20 Sec. 552.110. EXCEPTION: CONFIDENTIALITY OF TRADE SECRETS;
21 CONFIDENTIALITY OF CERTAIN COMMERCIAL OR FINANCIAL INFORMATION.

22 SECTION 6. The heading to Section 552.113, Government Code,
23 is amended to read as follows:

24 Sec. 552.113. EXCEPTION: CONFIDENTIALITY OF GEOLOGICAL OR
25 GEOPHYSICAL INFORMATION.

26 SECTION 7. The heading to Section 552.114, Government Code,
27 is amended to read as follows:

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1 Sec. 552.114. EXCEPTION: CONFIDENTIALITY OF STUDENT
2 RECORDS.

3 SECTION 8. The heading to Section 552.115, Government Code,
4 is amended to read as follows:

5 Sec. 552.115. EXCEPTION: CONFIDENTIALITY OF BIRTH AND
6 DEATH RECORDS.

7 SECTION 9. The heading to Section 552.117, Government Code,
8 is amended to read as follows:

9 Sec. 552.117. EXCEPTION: CONFIDENTIALITY OF CERTAIN
10 ADDRESSES, TELEPHONE NUMBERS, SOCIAL SECURITY NUMBERS, AND
11 PERSONAL FAMILY INFORMATION.

12 SECTION 10. The heading to Section 552.118, Government
13 Code, is amended to read as follows:

14 Sec. 552.118. EXCEPTION: CONFIDENTIALITY OF OFFICIAL
15 PRESCRIPTION FORM.

16 SECTION 11. The heading to Section 552.119, Government
17 Code, is amended to read as follows:

18 Sec. 552.119. EXCEPTION: CONFIDENTIALITY OF CERTAIN
19 PHOTOGRAPHS [~~PHOTOGRAPH~~] OF PEACE OFFICERS [~~OFFICER~~].

20 SECTION 12. The heading to Section 552.120, Government
21 Code, is amended to read as follows:

22 Sec. 552.120. EXCEPTION: CONFIDENTIALITY OF CERTAIN RARE
23 BOOKS AND ORIGINAL MANUSCRIPTS.

24 SECTION 13. The heading to Section 552.121, Government
25 Code, is amended to read as follows:

26 Sec. 552.121. EXCEPTION: CONFIDENTIALITY OF CERTAIN
27 DOCUMENTS HELD FOR HISTORICAL RESEARCH.

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1 SECTION 14. The heading to Section 552.123, Government
2 Code, is amended to read as follows:

3 Sec. 552.123. EXCEPTION: CONFIDENTIALITY OF NAME OF
4 APPLICANT FOR CHIEF EXECUTIVE OFFICER OF INSTITUTION OF HIGHER
5 EDUCATION.

6 SECTION 15. The heading to Section 552.1235, Government
7 Code, is amended to read as follows:

8 Sec. 552.1235. EXCEPTION: CONFIDENTIALITY OF IDENTITY OF
9 PRIVATE DONOR TO INSTITUTION OF HIGHER EDUCATION.

10 SECTION 16. The heading to Section 552.124, Government
11 Code, is amended to read as follows:

12 Sec. 552.124. EXCEPTION: CONFIDENTIALITY OF RECORDS OF
13 LIBRARY OR LIBRARY SYSTEM.

14 SECTION 17. The heading to Section 552.126, Government
15 Code, is amended to read as follows:

16 Sec. 552.126. EXCEPTION: CONFIDENTIALITY OF NAME OF
17 APPLICANT FOR SUPERINTENDENT OF PUBLIC SCHOOL DISTRICT.

18 SECTION 18. The heading to Section 552.127, Government
19 Code, is amended to read as follows:

20 Sec. 552.127. EXCEPTION: CONFIDENTIALITY OF PERSONAL
21 INFORMATION RELATING TO PARTICIPANTS IN NEIGHBORHOOD CRIME WATCH
22 ORGANIZATION.

23 SECTION 19. The heading to Section 552.128, Government
24 Code, is amended to read as follows:

25 Sec. 552.128. EXCEPTION: CONFIDENTIALITY OF CERTAIN
26 INFORMATION SUBMITTED BY POTENTIAL VENDOR OR CONTRACTOR.

27 SECTION 20. The heading to Section 552.129, Government

1 Code, is amended to read as follows:

2 Sec. 552.129. CONFIDENTIALITY OF CERTAIN MOTOR VEHICLE
3 INSPECTION INFORMATION.

4 SECTION 21. The heading to Section 552.130, Government
5 Code, is amended to read as follows:

6 Sec. 552.130. EXCEPTION: CONFIDENTIALITY OF CERTAIN MOTOR
7 VEHICLE RECORDS.

8 SECTION 22. Section 552.130, Government Code, is amended by
9 adding Subsections (c), (d), and (e) to read as follows:

10 (c) Subject to Chapter 730, Transportation Code, a
11 governmental body may redact information described by Subsections
12 (a)(1) and (3) from any information the governmental body discloses
13 under Section 552.021 without the necessity of requesting a
14 decision from the attorney general under Subchapter G.

15 (d) If, under Subsection (c), a governmental body redacts or
16 withholds information without requesting a decision from the
17 attorney general about whether the information may be redacted or
18 withheld, the requestor is entitled to seek a decision from the
19 attorney general about the matter. The attorney general by rule
20 shall establish procedures and deadlines for receiving information
21 necessary to decide the matter and briefs from the requestor, the
22 governmental body, and any other interested person. The attorney
23 general shall promptly render a decision requested under this
24 subsection, determining whether the redacted or withheld
25 information was excepted from required disclosure to the requestor,
26 not later than the 45th business day after the date the attorney
27 general received the request for a decision under this subsection.

1 The attorney general shall issue a written decision on the matter
2 and provide a copy of the decision to the requestor, the
3 governmental body, and any interested person who submitted
4 necessary information or a brief to the attorney general about the
5 matter. The requestor or the governmental body may appeal a
6 decision of the attorney general under this subsection to a Travis
7 County district court.

8 (e) A governmental body that redacts or withholds
9 information under Subsection (c) shall provide the following
10 information to the requestor on a form prescribed by the attorney
11 general:

12 (1) a description of the redacted or withheld
13 information;

14 (2) a citation to this section; and

15 (3) instructions regarding how the requestor may seek
16 a decision from the attorney general regarding whether the redacted
17 or withheld information is excepted from required disclosure.

18 SECTION 23. The heading to Section 552.131, Government
19 Code, is amended to read as follows:

20 Sec. 552.131. EXCEPTION: CONFIDENTIALITY OF CERTAIN
21 ECONOMIC DEVELOPMENT INFORMATION.

22 SECTION 24. The heading to Section 552.133, Government
23 Code, is amended to read as follows:

24 Sec. 552.133. EXCEPTION: CONFIDENTIALITY OF PUBLIC POWER
25 UTILITY COMPETITIVE MATTERS.

26 SECTION 25. The heading to Section 552.134, Government
27 Code, is amended to read as follows:

1 Sec. 552.134. EXCEPTION: CONFIDENTIALITY OF CERTAIN
2 INFORMATION RELATING TO INMATE OF DEPARTMENT OF CRIMINAL JUSTICE.

3 SECTION 26. The heading to Section 552.135, Government
4 Code, is amended to read as follows:

5 Sec. 552.135. EXCEPTION: CONFIDENTIALITY OF CERTAIN
6 INFORMATION HELD BY SCHOOL DISTRICT.

7 SECTION 27. Section 552.136, Government Code, is amended by
8 adding Subsections (c), (d), and (e) to read as follows:

9 (c) A governmental body may redact information that must be
10 withheld under Subsection (b) from any information the governmental
11 body discloses under Section 552.021 without the necessity of
12 requesting a decision from the attorney general under Subchapter G.

13 (d) If, under Subsection (c), a governmental body redacts or
14 withholds information without requesting a decision from the
15 attorney general about whether the information may be redacted or
16 withheld, the requestor is entitled to seek a decision from the
17 attorney general about the matter. The attorney general by rule
18 shall establish procedures and deadlines for receiving information
19 necessary to decide the matter and briefs from the requestor, the
20 governmental body, and any other interested person. The attorney
21 general shall promptly render a decision requested under this
22 subsection, determining whether the redacted or withheld
23 information was excepted from required disclosure to the requestor,
24 not later than the 45th business day after the date the attorney
25 general received the request for a decision under this subsection.
26 The attorney general shall issue a written decision on the matter
27 and provide a copy of the decision to the requestor, the

1 governmental body, and any interested person who submitted
2 necessary information or a brief to the attorney general about the
3 matter. The requestor or the governmental body may appeal a
4 decision of the attorney general under this subsection to a Travis
5 County district court.

6 (e) A governmental body that redacts or withholds
7 information under Subsection (c) shall provide the following
8 information to the requestor on a form prescribed by the attorney
9 general:

10 (1) a description of the redacted or withheld
11 information;

12 (2) a citation to this section; and

13 (3) instructions regarding how the requestor may seek
14 a decision from the attorney general regarding whether the redacted
15 or withheld information is excepted from required disclosure.

16 SECTION 28. The heading to Section 552.138, Government
17 Code, is amended to read as follows:

18 Sec. 552.138. EXCEPTION: CONFIDENTIALITY OF FAMILY
19 VIOLENCE SHELTER CENTER AND SEXUAL ASSAULT PROGRAM INFORMATION.

20 SECTION 29. The heading to Section 552.139, Government
21 Code, is amended to read as follows:

22 Sec. 552.139. EXCEPTION: CONFIDENTIALITY OF GOVERNMENT
23 INFORMATION RELATED TO SECURITY OR INFRASTRUCTURE ISSUES FOR
24 COMPUTERS.

25 SECTION 30. The heading to Section 552.140, Government
26 Code, is amended to read as follows:

27 Sec. 552.140. EXCEPTION: CONFIDENTIALITY OF MILITARY

1 DISCHARGE RECORDS.

2 SECTION 31. The heading to Section 552.142, Government
3 Code, is amended to read as follows:

4 Sec. 552.142. EXCEPTION: CONFIDENTIALITY OF RECORDS OF
5 CERTAIN DEFERRED ADJUDICATIONS AND CERTAIN MISDEMEANORS PUNISHABLE
6 BY FINE ONLY.

7 SECTION 32. The heading to Section 552.145, Government
8 Code, is amended to read as follows:

9 Sec. 552.145. EXCEPTION: CONFIDENTIALITY OF TEXAS NO-CALL
10 LIST.

11 SECTION 33. The heading to Section 552.148, Government
12 Code, is amended to read as follows:

13 Sec. 552.148. EXCEPTION: CONFIDENTIALITY OF CERTAIN
14 PERSONAL INFORMATION MAINTAINED BY MUNICIPALITY PERTAINING TO A
15 MINOR.

16 SECTION 34. The heading to Section 552.149, Government
17 Code, is amended to read as follows:

18 Sec. 552.149. EXCEPTION: CONFIDENTIALITY OF RECORDS OF
19 COMPTROLLER OR APPRAISAL DISTRICT RECEIVED FROM PRIVATE ENTITY.

20 SECTION 35. The heading to Section 552.150, Government
21 Code, is amended to read as follows:

22 Sec. 552.150. EXCEPTION: CONFIDENTIALITY OF INFORMATION
23 THAT COULD COMPROMISE SAFETY OF OFFICER OR EMPLOYEE OF HOSPITAL
24 DISTRICT.

25 SECTION 36. The heading to Section 552.151, Government
26 Code, as added by Chapter 1377 (S.B. 1182), Acts of the 81st
27 Legislature, Regular Session, 2009, is amended to read as follows:

1 Sec. 552.151. EXCEPTION: CONFIDENTIALITY OF INFORMATION
2 REGARDING SELECT AGENTS.

3 SECTION 37. The heading to Section 552.151, Government
4 Code, as added by Chapter 283 (S.B. 1068), Acts of the 81st
5 Legislature, Regular Session, 2009, is amended to read as follows:

6 Sec. 552.151. EXCEPTION: CONFIDENTIALITY OF INFORMATION
7 CONCERNING PUBLIC EMPLOYEE OR OFFICER PERSONAL SAFETY.

8 SECTION 38. Section 552.263, Government Code, is amended by
9 adding Subsection (e-1) to read as follows:

10 (e-1) If a requestor modifies the request in response to the
11 requirement of a deposit or bond authorized by this section, the
12 modified request is considered a separate request for the purposes
13 of this chapter and is considered received on the date the
14 governmental body receives the written modified request.

15 SECTION 39. Section 552.301, Government Code, is amended by
16 adding Subsection (a-1) to read as follows:

17 (a-1) For the purposes of this subchapter, if a governmental
18 body receives a written request by United States mail and cannot
19 adequately establish the actual date on which the governmental body
20 received the request, the written request is considered to have
21 been received by the governmental body on the third business day
22 after the date of the postmark on a properly addressed request.

23 SECTION 40. The changes in law made by this Act to Sections
24 552.022, 552.263, and 552.301, Government Code, apply only to a
25 request for information that is received by a governmental body or
26 an officer for public information on or after the effective date of
27 this Act. A request for information that was received before the

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1 effective date of this Act is governed by the law in effect on the
2 date the request was received, and the former law is continued in
3 effect for that purpose.

4 SECTION 41. This Act takes effect September 1, 2011.

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S.B. No. 602

David Dewhurst

President of the Senate

Joe Straus

Speaker of the House

I hereby certify that S.B. No. 602 passed the Senate on April 21, 2011, by the following vote: Yeas 31, Nays 0; May 18, 2011, Senate refused to concur in House amendments and requested appointment of Conference Committee; May 20, 2011, House granted request of the Senate; May 28, 2011, Senate adopted Conference Committee Report by the following vote: Yeas 31, Nays 0.

Daisy Gao

Secretary of the Senate

I hereby certify that S.B. No. 602 passed the House, with amendments, on May 12, 2011, by the following vote: Yeas 142, Nays 0, three present not voting; May 20, 2011, House granted request of the Senate for appointment of Conference Committee; May 27, 2011, House adopted Conference Committee Report by the following vote: Yeas 138, Nays 2, two present not voting.

Robert Haney

Chief Clerk of the House

Approved:

17 JUN '11

Date

Rick Perry

Governor

FILED IN THE OFFICE OF THE
SECRETARY OF STATE
4 PM O'CLOCK

JUN 17 2011

John R. McQuinn

Secretary of State